

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

USA,

No. CR 14-380 CRB

Plaintiff,

**ORDER DIRECTING THE
GOVERNMENT TO FILE A
SUBMISSION REGARDING SIMILAR
PROSECUTIONS**

v.

FEDEX CORPORATION, et al.,

Defendants.

At the April 20, 2016 hearing on FedEx's Motion to Dismiss Count Eighteen, the Court asked the government whether it had previously charged a defendant with promotional money laundering on facts similar to those at issue here:

THE COURT: Have you ever charged that before? I mean, this prosecution has a number of unusual -- what I guess I would call novel or first time advancement of legal theories. Now, I've seen, oh, 20 years and you have too . . . but I've seen so many drug transactions in which people have sold drugs, received money, because that's generally what happens in a drug transaction, and then done something with the money, if they haven't been caught immediately. And generally what they do is they turn it over to the person who gave them the drugs in the first place, or some third party. Okay. Have you ever charged money -- promotional money laundering in any of those cases, or is this the first one?

MS. AULT: I don't know, your Honor.

See Hearing Transcript at 17–18. In light of this exchange, the Court ORDERS the government to file a submission identifying the number of cases prosecuted in the last ten years that charged a defendant with both promotional money laundering and drug distribution in a situation where, as the government alleges here, the defendant simply transported drugs and sent payment for the drugs back to the defendant's co-conspirators.

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1 The Court further ORDERS that the government identify any such cases by name in a
2 filing submitted no later than Friday, April 29, 2016.

3 **IT IS SO ORDERED.**

4 Dated: April 21, 2016



5 CHARLES R. BREYER
6 UNITED STATES DISTRICT JUDGE
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